

SUBJECT: Off Duty Employment	NUMBER: 1-17.02
EFFECTIVE DATE:	REVIEW DATE: <i>12/30/18</i>
NMMLEPSC STANDARDS: PER.04.01, PER.04.02	APPROVED: Sheriff

## **I. POLICY**

The policy of this agency is to provide guidelines to employees to inform them of the types of off-duty employment which are appropriate and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of the community.

## **II. RULES AND REGULATIONS**

The County of Valencia Personnel Policy Manual covers employees' off duty employment. In addition to Valencia County Personnel Policy Resolution number 2006-17. Page 13 Section 6.9, this agency further restricts off duty employment as follows:

A. Regular Off-Duty Employment - Employees may engage in off-duty employment that meets the following criteria:

1. Employment of a non-law enforcement nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
2. Employment that presents no potential conflict of interest between their duties as a deputy and their duties for their secondary employers. Some examples of employment conflict of interest are:
  - a) As a process server, reposessor, or bill collector, towing of vehicles, or in any other employment in which a deputies authority might tend to be used to collect money or merchandise for private purposes.
  - b) Personnel investigations for the private sector or any employment which might require a deputy to have access to law enforcement information, files, records, or services as a condition of employment.
  - c) In an agency uniform in the performance of tasks other than that of a law enforcement nature.
  - d) Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.
  - e) For a business or labor group that is on strike.
  - f) In occupations that are regulated by or must be licensed through the New Mexico Law Enforcement Academy or its civilian boards.

3. Employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation. Examples of employment representing a threat to the status or dignity of the law enforcement profession are:
  - a) Establishments which sell pornographic books, magazines, sexual devices, or videos that otherwise provide entertainment or services of a sexual nature.
  - b) Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
  - c) Any gambling establishment not exempted by law.

**B. Extra-Duty Employment - Deputies may engage in extra-duty employment as follows:**

1. Where a government, profit-making or not-for-profit entity has a contract agreement with the agency for law enforcement officers in uniform that are able to exercise their law enforcement duties.
2. Types of extra-duty services which may be considered for contracting are:
  - a) Traffic control and pedestrian safety.
  - b) Crowd control.
  - c) Routine law enforcement for public authorities.
  - d) Plainclothes assignments.
  - e) D.W.I. enforcement
  - f) Traffic enforcement
  - g) Security for local businesses

**C. Limitations on regular off-Duty employment and extra-duty employment**

1. In order to be eligible for off-duty and extra-duty employment, an employee must be in good standing with the agency. Continued agency approval of an employee's off-duty and extra-duty employment is contingent of such good standing.
2. Those employees who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in regular or extra-duty employment.
3. Prior to obtaining off-duty employment, the employee shall comply with agency procedures for granting approval of such employment.
4. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
5. A deputy engaged in any off-duty employment is subject to call-out in case of emergency and may be expected to leave his off-duty or extra-duty employment in such situations. The deputy is expected to inform their off duty employer that they made be ordered to leave in an agency emergency recall at any time.

6. Permission for an employee to engage in outside employment may be revoked where it is determined pursuant to agency procedure that such outside employment is not in the best interests of the agency.

#### D. Requesting permission

Any employee considering *off-duty* employment must submit the off-duty application to the Sheriff through the chain of command. Such requests must be approved prior to the commencement of outside employment. *Extra-duty* employment will be posted by a designee of the Sheriff.

#### E. Coordination and follow-up

The chief deputy will see that agreements between the agency and government agencies, businesses or organizations are met and renewed as needed. The executive secretary will also ensure that the agency receives reimbursement for services. The chief deputy will be the point of contact for the agency. The chief deputy will coordinate with government agencies, businesses and organizations as needed for manpower needs and will oversee deputies to ensure they are in adherence to agency policies and matters in regards to extra-duty.